

Town of Frederick Board of Trustees



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AM 2010-099

To Consider a Land Use Code Amendment to Adopt Article 15, Downtown Regulations

Agenda Date: October 12, 2010

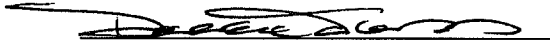
Attachments:

- a. Article 15 (new article)
- b. Color version of regulating plan
- c. PCR-2010-09A Approval of Article 15, Downtown Regulations
- d. Draft Planning Commission minutes
- e. Ordinance

Fiscal Note: None noted or provided Fiscal note


Administrative Services Director

Submitted by: Jennifer Simmons
Planning Director

Approved for Presentation: 
Town Administrator

AV Use Anticipated Projector x Laptop

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

In accordance with the implementation recommendations for the Downtown Development Master Plan, Article 15, Downtown Regulations has been created to better create a Downtown environment favorable to business and residents alike.

Detail of Issue/Request:

Article 15, Downtown Regulations, was crafted by Pacific Municipal Consultants (PMC) as a portion of the work completed for the Downtown Development Master Plan. Planning staff worked with PMC to incorporate the draft regulations into the Land Use Code. Accordingly, other amendments will follow this amendment to incorporate definitions of terms found in Article 15 into Article 1 as well as to update the zoning matrix found in Article 3. These additional amendments will be completed as other updates are completed.

Article 15 is a form based code rather than a convention zoning code. Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Review Criteria:

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendment provides for changes in administrative practices, and furthers the implementation of the goals and objectives of the Comprehensive Plan relating to quality growth.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Following the Planning Commission meeting, a public hearing will be held October 12 before the Board of Trustees. Should the Trustees choose to adopt Article 15, it will be adopted by reference.

Planning Commission:

The Planning Commission reviewed this article at a work session on September 7, 2010. At the work session, specific items were discussed and amendments were recommended. The first change was to allow funeral homes in the Downtown A zoning district. Churches were also recommended to be allowed in both Downtown zones. The initial recommendation suggested that professional offices, financial services, and clinics not be allowed on the ground floor in Downtown A zone, however, the Commission recommended that this regulation be removed and reviewed in 5 years. The final amendment related to changing the term A-frame to sandwich board to remain consistent with the language in the existing sign code (Article 7).

At the regular meeting held September 21, 2010, the Commission reviewed the changes that were made and unanimously recommended adoption of Article 15. The attached document reflects all changes recommended by the Planning Commission.

Legal/Political Considerations:

The proposed article has been reviewed by legal staff.

Alternatives/Options:

The Board of Trustees may:

- Approve the Land Use Code Amendment.
- Deny the Land Use Code Amendment.
- Approve the Land Use Code Amendment with conditions.

Financial Considerations:

Not directly applicable. Should the Code be successful, the Downtown area will flourish and the Town will benefit from additional sales and property tax.

Staff Recommendation:

Staff recommends approval of the Land Use Code Amendment through the ordinance provided.